IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 535 of 2004(L)

PETITIONER:

VIJAYAKUMAR, AGED 37, S/O.APPUKUTY,
KUNNATHULLY HOUSE, KECHERY P.O. THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. KERALA CO-OPERATIVE TRIBUNAL,
THIRUVANANTHAPURAM.

2. THE ASSISTANT REGISTRAR CO-OPERATIVE
SOCIETIES,(GENERAL) THRISSUR.

3. THE MUNDOOR CO-OPERATIVE BANK,
NO.R 159, REP. BY ITS SECRETARY,
MUNDOOR P.O. THRISSUR.

BY ADV. SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:-

EXT.P1	A TRUE COPY OF THE PLAINT IN ARC NO.3261/00 DATED 21/10/2000
EXT.P2	A TRUE COPY OF THE AWARD PASSED BY THE SECOND RESPONDENT DATED 24/01/2001
EXT.P3	A TRUE COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DATED 29/07/2002
EXT.P4	A TRUE COPY OF THE APPEAL ORDER BY THE FIRST RESPONDENT DATED 22/10/2003.

\\TRUE COPY //

P.A TO JUDGE

J.M.JAMES, J.

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W.P.(C) No. 535 of 2004 (L)

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Dated this the 4th day of December, 2006

J U D G M E N T

The writ petition preferred in the year 2003 was getting itself dusted, as the writ petitioner was not interested to proceed with it and get it disposed of. The prayer of the writ petitioner is that he may be given the benefits of one time settlement scheme as per Circular No.27/2006, dated 29/06/2006, the validity of which is upto 31/12/2006.

2. The learned counsel submitted that the first respondent, Tribunal, had passed Exhibit P4 judgment, allowing the third respondent to realise the suit amount with future interest at the rate of 18% per annum, till the date of realisation of the entire amount.

3. The learned counsel appearing for the third respondent submits that an amount of Rs.2,76,000/- is due to the third respondent as on 31/10/2006. The counsel also submitted that the writ petitioner is not bona fide in approaching this Court and he

has not re-paid back any amount, due to the third respondent, although the first respondent had passed the judgment on 22/10/2003.

4. However, the writ petitioner submits that he has made certain payments, the quantum of which is disputed by the counsel for the third respondent.

5. I am not entering into any discussion regarding the payments made to the bank, as it is for the third respondent to hear the writ petitioner and settle the amount due to it. However, I dispose of the writ petition, extending the facilities of one time settlement scheme, available under Circular No.27/2006, dated 29/06/2006, provided, the writ petitioner prefers an application for the same, within 10 days from today, before the third respondent.

6. On receipt of the said representation, the third respondent shall hear the writ petitioner, finalise the amount due to it and proceed according to the directions contained in the Circular. This shall be done, within three weeks from the date of receipt of the representation, by the third respondent. Both sides shall follow the directions contained in the Circular.

(J.M.JAMES)
Judge

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